

Nays—9.

Beall.	Rogers.
Colquitt,	Stafford,
Gage.	Steele,
McKinney,	Woods.
Presler,	
Absent, excused.	
McComb.	
Absent, not excused.	
Bailey,	Smith,
Bowser,	Whitaker.
Shelburne.	

Senator Dean moved to adjourned to 10 a. m. tomorrow.

Lost by the following vote:

Yeas—10.

Atlee,	Harrison,
Darwin,	Lawhon,
Dean,	Lewis,
Dickson,	Simpson,
Greer,	Tips.

Nays—14.

Agnew,	McKinney,
Beall,	Presler,
Boren.	Rogers,
Colquitt,	Sherrill,
Dibrell,	Stafford,
Gage,	Steele,
Goss,	Woods.

Absent, excused.

McComb.

Absent, not excused.

Bailey,	Smith.
Bowser,	Whitaker.
Shelburne,	

Pending action on the passage of House bill No. 404 to third reading.

Senator Lewis moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

Agnew,	Lawhon,
Atlee,	Lewis,
Beall.	McKinney,
Boren,	Presler,
Colquitt,	Rogers,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Stafford,
Gage,	Steele,
Goss,	Tips,
Greer,	Woods.
Harrison,	

Absent, excused.

McComb.

Absent, not excused.

Bailey,	Shelburne,
Bowser,	Whitaker.

Senator Rogers moved to excuse the absentees.

Lost by the following vote (requiring two-thirds):

Yeas—15.

Agnew,	Presler,
Beall,	Rogers.
Boren.	Sherrill,
Colquitt,	Smith,
Dibrell,	Stafford.
Gage.	Steele,
Lawhon,	Woods.
McKinney,	

Nays—10.

Atlee,	Greer,
Darwin,	Harrison,
Dean,	Lewis,
Dickson,	Simpson,
Goss,	Tips.

Absent, excused.

McComb.

Absent, not excused.

Bailey,	Shelburne,
Bowser,	Whitaker.

Senator Beall moved that the Sergeant-at-Arms be instructed to locate and bring in the absentees.

So ordered.

On motion of Senator Dean, Senate adjourned till tomorrow morning at 10 o'clock.

SEVENTY-NINTH DAY.

Senate Chamber,
Austin, Texas, April 16, 1895.

Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called, quorum present. the following Senators answering to their names:

Agnew,	Harrison,
Atlee,	Lawhon,
Bailey,	Lewis,
Beall.	McKinney,
Boren,	Presler,
Bowser.	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dean,	Simpson,
Dibrell,	Smith,
Dickson,	Stafford,
Gage,	Steele,
Goss,	Tips,
Greer,	Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Harrison, the same was suspended.

On motion of Senator Dibrell, Senator Whitaker was excused from non-attendance for the past few days and to-day on account of important business.

On motion of Senator Smith, Senator Shelburne was excused for yesterday on account of important business.

On motion of Senator Rogers, Journal Clerk O'Quinn was excused for to-day to attend and take part in the examination of the University law class.

On motion of Senator Shelburne, Doorkeeper Phillips was excused for yesterday on account of missing the railroad train.

On motion of Senator Greer, Senator Bailey was excused for yesterday on account of important business.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 297, a bill to be entitled "An act to amend section 8 of the general school law, approved May 20, A. D. 1893, entitled 'An act to provide for a more efficient system of public free schools,' etc., being chapter 122 of the general laws enacted by the Twenty-third Legislature, and to provide for the recovery of any of the public school lands or any part of the permanent public school funds of any county of this State that may have been illegally invested, used, or disposed of,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment, to-wit:

Section 2. The near approach of the close of this session of the Legislature, and the fact that it is improbable that this bill can be read on three several days, and the further fact that there is no law now in force to authorize suits to be brought for the recovery of land or the proceeds thereof set apart to the several counties for school purposes, and which has been unlawfully appropriated, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

PRESLER, Chairman.

Committee Room,

Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Finance Committee, to whom was referred

House bill No. 230, a bill to be entitled "An act entitled an act for the relief of John A. Caplen, and to return to him certain moneys in the State Treasury, being proceeds of sale of land escheated to the State, which was purchased by him."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TIPS, Chairman.

Committee Room,

Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 238, a bill entitled "An act to require express companies and others doing an express business to keep general offices in the State of Texas."

Also, Substitute House bill No. 312, a bill to be entitled "An act to require express companies and others doing an express business to keep general offices in the State of Texas, and providing a penalty for violation of this act."

Have had the same under consideration, and I am instructed to report in lieu thereof the following committee substitute:

"A bill to be entitled 'An act to require express companies, firms, or corporations doing an express business in this State to furnish semi-annual statements to the Railroad Commission of Texas, and to provide penalties for violations of the provisions of this act.

"Section 1. Be it enacted by the Legislature of the State of Texas: That each express company, corporation, firm, or person doing business of an express company in this State, shall semi-annually on the first day of February and July, file with the Railroad Commission of Texas a sworn statement, setting forth in full the business done and the expenses incurred to handle same by said company, corporation, firm, or person in the State of Texas, and of such interstate business as is partly done in the State, showing the proportion of receipts and expenses of interstate traffic apportioned to that part of the line lying in Texas. Such statements shall show the amount of stock, bonds, and other indebtedness of such company, corporation, firm or persons, also the description and value of its property within this State.

"Section 2. That if any such express company, corporation, firm or person doing business in this State shall fail to file a sworn statement as required by this act, or fail or re-

fuse to comply with any of the provisions of this act, such company, corporation, firm or person shall forfeit the right to do an express business in this State, and it shall be the duty of the Attorney General of this State, at the request of the Railroad Commission, to institute the necessary legal proceedings to prevent their doing such business, in any court of proper jurisdiction in the county of Travis, in this State.

"Section 3. The fact that there is now no law requiring express companies to file such sworn statement as required by this act creates an imperative public necessity and emergency requiring the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted."

Which said substitute is respectfully submitted with the recommendation that it do pass.

McKINNEY, Chairman.

Committee Room,

Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 194, a bill to be entitled "An act to define building and loan associations and their powers, and to prescribe the conditions on which they may do business in this State, and to define and fix the rights and liabilities of their stockholders, and to repeal all laws in conflict with the provisions of this bill,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

AGNEW, Chairman.

COMMITTEE AMENDMENTS.

1. Amend section 3, page 1, lines 27, 28, 29 and 30, by inserting after the word "stock" the following: "in such classes and on such terms and conditions as may be determined by the board of directors. In all meetings of the stockholders each member shall be entitled to one vote for each share of stock held by him," and cutting out all of said lines 27, 28, 29 and 30.

2. Amend section 3, page 1, line 31, by inserting between the words "dues" and "fines" the word "fees."

3. Amend section 3, page 2, line 3, by striking out all the words between the word "provide" in line 3 and "to cancel."

4. Amend section 3, page 2, line 21, by inserting after the word "provide" the following: "consistent with the Constitution and laws of this State," and by

striking out all of the words after the word "provide" in line 21, and the words "to accumulate" in line 26.

5. Amend section 3, page 2, line 28, by striking out the words "such annual or semi-annual."

6. Amend section 3, page 3, line 11, by adding after the word "organization" the following: "Every share of stock shall be liable for and subject to a lien for the satisfaction of any unpaid installments or other proper charges, such as fines, premiums and interest on loans. Such stock shall be liable to such conditions of the forfeiture as may be provided in the by-laws."

7. Amend section 5, page 3, lines 29 and 30, by striking out all the words before the word "but" and inserting in lieu thereof the following: "The board of directors of serial associations, at their option, may set aside a reserve fund for the payment of contingent losses."

8. Amend section 5, page 4, by cutting out all after the words between the word "reaches" in line 5, and "said amount" in line 10, the words being a repetition.

9. Amend section 5, page 4, line 10, by adding after the word "amount" the following: "Said fund shall be loaned in the same manner as the other funds of the association are required to be loaned."

10. Amend section 6, page 4, line 11, by striking out all the words between the word "paid" in line 11, and the word "but" in line 13, and inserting in lieu thereof the following: "as provided for in the by-laws."

11. Amend section 7, page 4, line 32, by adding after the word "law" the following: "Provided, that this provision shall not be construed to exempt shareholders from being taxed on their shares."

12. Amend section 8, page 5, line 1, by inserting between the words "of" and "insurance" the word "agriculture."

13. Amend section 10, article 1, line 11, by inserting between the words "inspector" and "thousand" the words "twenty-five," and also by inserting in line 13, between the words "Texas" and "satisfactory" the following: "or bonds or loan obligations secured by first mortgages or liens on real estate situated in the State of Texas."

14. Amend section 14, page 6, by striking out the words "constitution and."

15. Amend section 16, page 7, lines 6 and 7, by inserting "hereinafter" in lieu of "hereinbefore."

16. Amend section 20, page 8, line 8,

by striking out all the words between "shall," in line 8, and "both," in line 12, and inserting in lieu thereof "remain subject to the law now in force or hereafter enacted requiring foreign corporations to procure permits from the Secretary of State of the State of Texas to do business in this State. Foreign associations doing business in this State shall pay annually, in addition to the franchise tax required to be paid by all corporations to the Secretary of State, \$5 for each county in which it establishes local branches or makes loans."

17. Amend section 20, page 8, line 21, by striking out all the words between "him," in line 21, and "to pay," in line 22, and inserting in lieu thereof the following: "A sum not to exceed twelve hundred dollars per annum."

18. Amend by adding section 25, the emergency clause:

"Section 25. That the near approach of the close of the session and the large amount of business yet to be disposed of, and the further fact that there is no adequate law on the statute books regulating building and loan associations, creates an imperative public necessity and an emergency which authorizes the suspension of the rule requiring bills to be read on three several days, and said rule is hereby suspended."

Committee Room,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 266, "An act to amend section 1, chapter 29, of an act passed at the regular session of the Twenty-third Legislature, extending the time for holding the district court in Kerr county."

And find the same correctly enrolled, and have this day, at 11 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 299, a bill to be entitled "An act to repeal section 20 and to amend sections 17 and 24 of Senate bill No. 95, entitled 'An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums and the lease of such lands and of the public lands of the State, and the patenting of any part of said lands for church, cemetery or school

sites, and to prevent the free use, occupancy and unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor,' passed at the present session,"

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 293, a bill to be entitled "An act to regulate and control contracts for the conditional sale, lease, or hire of railroad rolling stock, and providing for the recording thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

McKINNEY, Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

Senate bill No. 23, a bill to be entitled "An act to amend section 1, chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to fix the time and place of making sales of real estate under execution, order of sale or venditioni exponas, and to prescribe the mode and manner of advertising such sales,"

With House amendments.

Senate bill No. 24, a bill to be entitled "An act to amend section 12 of an act entitled 'An act to provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville,' approved April 2, 1889,"

With House amendments.

Senate bill No. 41, a bill to be entitled "An act to repeal article 4249, chapter 10, title 84, of the Revised Civil Statutes of Texas, adopted by the regular session of the Sixteenth Legislature, A. D. 1879, requiring railroad corporations to file an annual report with the Comptroller of Public Accounts."

Senate bill No. 42, a bill to be entitled "An act to amend article 683b of the Penal Code of the State of Texas, as en-

acted by the Legislature of said State, by an act entitled an act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor by adding thereto article 683b, approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of wilfully and maliciously throwing missiles, firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said recited act; and all other laws in conflict with this act."

With House amendments.

Senate bill No. 44, a bill to be entitled "An act to amend article 1211, title 29, chapter 5, of the Revised Civil Statutes of the State of Texas, so as to provide for the appointment of a guardian for lunatics, idiots, and persons non compos mentis, where they are defendants to a suit, for the purpose of defending such suit."

Senate bill No. 45, a bill to be entitled "An act to amend article 3183, chapter 4, title 61, of the Revised Civil Statutes, relating to liens."

With House amendments.

Senate bill No. 49, a bill entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases."

Senate bill No. 55, a bill entitled "An act to amend article 75 of chapter 1 of title 8 of the Revised Civil Statutes of the State of Texas, relating to appointment of medical superintendents of lunatic asylums."

With House amendments.

Senate bill No. 56, a bill entitled "An act to amend article 503 of chapter 3, title 15, of the Penal Code of the State of Texas, relating to the offense of rape, and to repeal the limit to the penalty therefor."

With House amendments.

Substitute Senate bill No. 59, a bill to be entitled "An act to amend article 528, of title 15, chapter 7, of the Penal Code of the State of Texas, relating to the offense of rape, and to raise the age of consent to fifteen years."

With House amendments.

Senate bill No. 137, a bill to be entitled "An act to amend sections 5 and 8, and to repeal section 9, of an act approved March 30, 1881, entitled 'An act to establish the University of Texas,' so as to provide for the election of a president of the faculty of said University."

Senate bill No. 210, "An act for the

better protection of the public buildings of the State of Texas."

House bill No. 171, a bill to be entitled "An act to provide for the abolishment of the corporations of cities and towns containing fifteen hundred inhabitants or less."

Passed by a two-thirds vote—ayes 87, nays none.

House bill No. 708, "An act to reorganize the Twenty-fourth and Thirty-sixth Judicial Districts, to name the counties composing the same, to fix the times for holding the district courts therein, to provide for the issuance and return of process therein, and to repeal all laws in conflict therewith."

Also, House concurrent resolution No. 33:

Resolved by the House of Representatives, the Senate concurring, That the Twenty-fourth Legislature stand adjourned sine die on April 30, 1895, at 12 o'clock noon.

Senate bill No. 51, entitled "An act to amend articles 798 and 799 of chapter 18, title 17, of the Penal Code of the State of Texas."

With House amendments.

Respectfully,

E. W. SMITH, Jr., Acting Chief Clerk.
Call concluded.

UNFINISHED BUSINESS.

The Chair laid before the Senate upon its passage to third reading,

House bill No. 404, a bill entitled "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

Senator Lewis made the point of order that in accordance with the resolution setting aside Mondays and Thursdays for the consideration of House bills, that this was not "House bill day," and therefore the Senate could not consider House bills.

The Chair ruled that House bill No. 404 was unfinished business for this day, and as such was in order.

Senator Bowser called up

Senate bill No. 258, a bill to be entitled "An act to amend sections 2, 20, 24, 43, 138, 144, 148, 156 and 159 of an act entitled 'An act to incorporate the city of Dallas and to grant it a new charter,' approved March 13, 1889, and to add thereto sections 154a, 154b, 154c, 158a and 159a, and to repeal section 185 of said act, and also to amend section 158 of an act entitled 'An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161

of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State March 9, 1891, and also sections 120 and 161 of an act entitled an act to amend sections 6, 8, 9, 10, 14, 15, 61 and 185 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 18, 1889, and section 161 of said act as amended in 1891, and to repeal section 10 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140 and 158 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter, approved March 13, 1889, passed by the Twenty-second Legislature and certified to by the Secretary of State on March 9, 1891, and to repeal all conflicting laws; and to conform same to the objections of the Governor in his veto message of March 18, 1893, passed by the Twenty-third Legislature, and certified to by the Secretary of State April 12, 1893, and to repeal all conflicting laws."

And moved that the Senate concur in the House amendments.

Concurred.

Senator Bailey called up,

Senate bill No. 191, a bill entitled "An act to amend sections 38, 103, 106, and 138 of an act entitled 'An act to incorporate the city of Fort Worth, and to grant a charter to said city,' approved March 20, 1889, and sections 6, 7, 20, 34, 88, and 102 of said act as amended by the Twenty-second Legislature in 1891, and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 104b, 106a and 106b,"

And moved that the Senate concur in the House amendments.

Concurred.

By consent the following resolution was sent up:

By Senator Bowser:

CONCURRENT RESOLUTION.

Whereas, Congress has purchased the battle field of Chickamauga and established the Chickamauga and Chattanooga Military Park; and

Whereas, The States of Georgia and Tennessee have ceded the roads through the field, and along Lookout Mountain, and over the crest of Missionary Ridge, as approaches to and a part of said Park; and

Whereas, Said Park will be dedicated with appropriate ceremonies on the 19th and 20th of September next; therefore, be it

Resolved, That the Senate, the House

of Representatives concurring, hereby empowers and requests the Governor and a commission of ten citizens of this State who participated in said battle, to be appointed by the Governor to represent the State of Texas at the exercises in dedication of said Park on the 19th and 20th of September next, and to take such action in permanently and appropriately marking the position of the Texas soldiers in said battle, as to them may seem proper.

Adopted.

Senator Lewis moved that special order. House bill 404, be postponed till next Thursday and made special order for that day.

Lost by the following vote:

Yeas—12.

Atlee,	Greer,
Bailey,	Harrison,
Bowser,	Lewis,
Darwin,	Shelburne,
Dean,	Simpson,
Dickson.	Tips.

Nays—16.

Agnew,	McKinney,
Beall,	Presler,
Boren.	Rogers,
Colquitt,	Sherrill,
Dibrell,	Smith,
Gage,	Stafford,
Goss.	Steele,
Lawhon,	Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

The Chair gave notice of signing, and did sign, after the captions had been read.

Senate bill No. 299, "An act to repeal section 20, and to amend sections 17 and 24 of Senate bill No. 95, entitled "An act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands and of the public lands of the State, and the patenting of any part of said lands for church, cemetery, or school house sites, and to prevent the free use and occupancy and unlawful enclosure or unlawful appropriation of such lands, and to prescribe and to provide adequate penalties therefor," passed at the present session."

Senate bill No. 266, entitled, "An act to amend section 1, chapter 29, of an act passed at the regular session of the Twenty-third Legislature of the State of Texas, approved March 15, 1893, entitled 'An act to amend section 38, chapter 141, of an act passed at the regular

session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend chapter 61, an act entitled an act entitled an act to amend section 38 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1884, granting an extension of time for the holding of the district court of Comal county; extending the time for holding district court in Kerr county."

The question recurred upon the passage to third reading of

House bill No. 404, being a bill be entitled "An act to amend an act entitled 'An act to define trusts, and to provide for the penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

(Senator Simpson in the chair.)

By Senator Lewis:

Amend by adding to section 12 the following: "Provided, that this act shall not be held or construed to prevent labor from uniting and organizing for the purpose of protecting themselves and maintaining the just and reasonable price of labor."

Pending action, Senator Dean moved that the Senate stand adjourned till 3 p. m.

Lost by the following vote:

Yeas—12.

Atlee,	Greer.
Bailey.	Harrison,
Darwin,	Lewis.
Dean,	Shelburne,
Dickson,	Simpson,
Goss,	Tips.

Nays—15.

Agnew,	McKinney,
Beall,	Presler,
Boren,	Rogers,
Bowser,	Smith,
Colquitt,	Stafford.
Dibrell,	Steele,
Gage,	Woods.
Lawhon,	

Absent, excused.

McComb.

Absent, not excused.

Sherrill, Whitaker.

Senator Bailey moved that the Senate stand adjourned till 3 p. m.

Adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Lawhon,
Atlee,	Lewis,
Beall,	McKinney,
Boren.	Presler,
Bowser.	Rogers,
Colquitt,	Shelburne,
Darwin,	Sherrill,
Dibrell,	Simpson,
Dickson,	Smith.
Gage,	Stafford,
Goss,	Steele,
Greer,	Tips.
Harrison,	Woods.

Absent, excused.

McComb. Whitaker.

Absent, not excused.

Bailey, Dean.

Senator Simpon called up

House concurrent resolution No. 33:

Resolved by the House of Representatives, the Senate concurring, That the Twenty-fourth Legislature stand adjourned sine die on April 30, 1895, at 12 o'clock noon.

And moved its adoption.

Senator Smith moved as a substitute that the resolution lay on the table subject to call.

Pending action, the following message was received from the House recalling the resolution:

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to request the Senate to return to the House House concurrent resolution No. 33, providing for final adjournment on April 30, upon which a motion to reconsider has been spread on the Journal.

Respectfully,

E. W. SMITH, Jr., Acting Chief Clerk.

On motion of Senator Steele, the request of the House was granted by the following vote:

Yeas—21.

Agnew,	Greer,
Beall,	Lawhon,
Bowser,	Lewis,
Colquitt,	Presler,
Dickson,	Rogers,
Gage,	Shelburne,
Goss,	Sherrill,

Simpson,
Smith,
Stafford,

Steele,
Tips.

Nays—7.

Atlee,
Boren,
Darwin,
Dibrell,

Harrison,
McKinney,
Woods.

Absent, excused.

McComb,

Whitaker.

Absent, not excused.

Bailey,

Dean.

Senator Tips offered the following resolution:

Resolved, That the Committee on Privileges and Elections be and are hereby authorized and requested to examine the papers and evidences of election of the Hon. M. Lasker to fill the vacancy caused in the Seventeenth Senatorial District by the resignation of Senator Miles Crowley, and if the committee find and report that Mr. Lasker has been duly elected they shall so report to the Senate.

Adopted.

Senator Sherrill called up

Senate bill No. 24, a bill entitled "An act to amend section 12 of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889."

And asked that the Senate do not concur in the House amendments, and request a conference committee.

Adopted.

Senator Beall called up

Senate bill No. 59, a bill entitled "An act to amend article 528, title 15, chapter 7, of the Penal Code of the State of Texas."

And moved that the Senate concur in the House amendments.

Concurred by the following vote:

Yeas—16.

Agnew,
Atlee,
Beall,
Boren,
Bowser,
Colquitt,
Darwin,
Dean,
Dickson,
Gage,
Goss,
Greer,

Harrison,
Lawhon,
Lewis,
McKinney,
Presler,
Sherrill,
Smith,
Stafford,
Steele,
Tips,
Woods.

Nays—5.

Dibrell,
Shelburne,

Simpson.

Absent, excused.

McComb,

Whitaker.

Absent, not excused.

Bailey,

Rogers.

Senator Colquitt called up

Senate bill No. 55, a bill entitled "An act to amend article 75 of chapter 1, of title 8, of the Revised Civil Statutes of the State of Texas."

And moved that the Senate concur in the House amendments.

Concurred.

Senator Smith called up

Substitute Senate bill No. 23, a bill to be entitled "An act to amend section 1, chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to fix the time and place of making sales of real estate under execution, order of sale or venditioni exponas, and to prescribe the mode and manner of advertising such sales."

And moved that the Senate concur in the House amendments.

Concurred.

Senator Simpson called up

Senate bill No. 42, a bill entitled "An act to amend article 683b of the Penal Code of the State of Texas, and to add to said Code article 683c, as enacted by the Legislature of said State, by an act entitled an act to amend article 683, chapter 3, title 17, of the Penal Code of the State of Texas, relating to malicious mischief, and providing a penalty therefor, by adding thereto article 683b, approved March 22, 1889, and amendatory of said recited act, and to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads in this State, and to repeal article 683b of said recited act, and all other laws in conflict with this act."

And moved that the Senate concur in the House amendments.

Concurred.

Senator Lawhon called up

Senate bill 45, a bill entitled "An act to amend article 3183, chapter 4, title 61, of the Revised Civil Statutes."

And moved that the Senate concur in the House amendments.

Concurred.

IN SENATE.

House bill No. 171, being "An act to provide for the abolishment of the corporations of cities and towns containing fifteen hundred inhabitants or less."

Read first time and referred to Committee on Internal Improvements.

House bill No. 708, being "An act to organize the Twenty-fourth and Thirty-sixth Judicial Districts, to name the counties composing the same, to fix the times for holding the district courts

therein, to provide for the issuance and return of process therein, and to repeal all laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Judicial Districts, to whom was referred

House bill No. 708, a bill to be entitled "An act to reorganize the Twenty-fourth and Thirty-sixth Judicial Districts, to name the counties composing the same, to fix the times for holding the district courts therein, to provide for the issuance and return of process therein, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

(Senator Dean in the chair.)

Senator Tips called up

Substitute Senate bill No. 78, entitled "An act making an appropriation for the support of the State Government for the years beginning March 1, 1895, and ending February 28, 1897, to cover deficiencies and for other purposes,"

Action being on the engrossment of the bill.

By Senator Simpson:

Amend page 21 by inserting between line 18 and 19 the following: "For the erection of new building and the furnishing of same, to be paid out under the supervision of a competent architect, \$50,000."

By Senator Goss:

Amend the amendment by striking out "\$50,000." and inserting in lieu thereof "\$100,000."

Lost.

The amendment (Senator Simpson's) was adopted.

Senator Beall entered a motion to reconsider the vote by which the amendment was adopted.

By Senator Sherrill:

Amend page 18 by adding between lines 5 and 6 the following: "Provided further, that the superintendent of the Lunatic Asylum at Austin shall reside in the main building of the Asylum, and that the residence now occupied by said superintendent shall be hereafter used as a hospital for sick patients."

Lost by the following vote:

Nays—7.

Boren, Darwin,
Colquitt, Gage,

Lawhon,
Sherrill,

Woods.

Nays—20.

Agnew,
Atlee,
Bailey,
Beall,
Dean,
Dibrell,
Dickson,
Goss,
Greer,
Harrison,

Lewis,
McKinney,
Presler,
Rogers,
Shelburne,
Simpson,
Smith,
Stafford,
Steeie,
Tips.

Absent, excused.

McComb,

Whitaker.

Absent, not excused.

Bowser,

By Senator Simpson:

Amend page 17 by inserting between lines 28 and 29 the following: "For erecting buildings for general kitchen, associate dining rooms, amusement hall and employes' quarters, \$40,000."

Lost by the following vote:

Yeas—13.

Atlee,
Bailey,
Bowser,
Dean,
Dibrell,
Dickson,
Greer,

Lawhon,
Lewis,
Rogers,
Shelburne,
Simpson,
Tips.

Nays—15.

Agnew,
Beall,
Boren,
Colquitt,
Darwin,
Gage,
Goss,
Harrison,

McKinney,
Presler,
Sherrill,
Smith,
Stafford,
Steele,
Woods.

Absent, excused.

McComb,

Whitaker.

By Senator Atlee:

Amend: Add to bill the following after line 24, page 30: "For payment of claims accruing for construction of booths and guard rails in cities adopting the provisions of the act relating to elections known as the Australian ballot system, the sum of \$500," for each year.

Adopted.

Senator Beall called up his motion to reconsider the vote by which the amendment offered by Senator Simpson, appropriating \$50,000 for erection of new building at Southwestern Insane Asylum was adopted.

Reconsidered by the following vote:

Yeas—17.

Agnew,
Beall,
Boren,

Colquitt,
Darwin,
Dickson,

Gage,
Goss.
Harrison,
McKinney,
Presler,
Rogers,

Sherrill,
Smith.
Stafford,
Steele.
Woods.

Nays—10.

Atlee,
Bailey,
Bowser,
Dibrell,
Greer,
Lawhon.
Lewis,
Shelburne,
Simpson,
Tips.

Absent, excused.

McComb, Whitaker.

In the chair, not voting.

Dean.

The amendment was then lost by the following vote:

Yeas—12.

Atlee,
Bailey,
Bowser,
Dean,
Dibrell,
Dickson,
Greer,
Lawhon,
Lewis,
Shelburne,
Simpson,
Tips.

Nays—15.

Agnew,
Beall,
Boren,
Colquitt,
Darwin,
Gage,
Harrison,
McKinney,
Presler,
Rogers,
Sherrill,
Smith,
Stafford,
Steele,
Woods.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Goss.

By Senator Tips:

Amend page 5 by inserting between lines 18 and 19 the following: "For additional clerical force that may be necessary to carry into effect the provisions of the 'Delinquent Tax Bill' passed by the Twenty-fourth Legislature, to be used within two years, \$10,000, or so much thereof as may be necessary."

Adopted by the following vote:

Yeas—20.

Agnew,
Atlee,
Beall,
Bowser,
Colquitt,
Dibrell,
Dickson,
Gage,
Greer,
Lawhon,
Lewis,
McKinney,
Presler,
Rogers,
Sherrill,
Smith,
Stafford,
Steele,
Tips,
Woods.

Nays—5.

Bailey,
Boren,
Darwin,
Harrison,
Shelburne.

McComb, Absent, excused.
Whitaker.

In the chair, not voting.

Dean,
Goss,
Absent, not excused.
Simpson.

By Senator Presler:

Amend page 2, between lines 25 and 26, by adding the following:

"For the erection of a Governor's mansion, \$75,000.

"For improvement of the capitol grounds, \$50,000, to be paid out of the proceeds from the sale of any part of the public domain not otherwise appropriated, such lands to be surveyed and set aside for such purpose, and shall be sold at prices and under the regulations as prescribed by general law, and the like amount shall be surveyed for the use of the permanent school fund; and the Governor, Attorney General, State Treasurer, Commissioner of the General Land Office, and the Senator of the Twentieth District shall constitute a board of commissioners, who shall have control and direction of the expenditure of said sums of money hereby appropriated, and for the purposes herein designated, and shall make and let all contracts relating thereto, and shall inspect, supervise and have the authority to approve all the work done, and materials furnished in the construction of said mansion, and improvements for said capitol grounds."

Senator Atlee made the point of order that the amendment was not in order, as the subject matter was not embraced in the caption of the bill.

Sustained.

Senator Presler appealed from the decision of the Chair.

The Chair was sustained and the amendment ruled out of order, by the following vote:

Yeas—21.

Agnew,
Atlee,
Beall,
Boren,
Colquitt,
Darwin,
Dibrell,
Dickson,
Gage,
Harrison,
Lawhon,
Lewis,
McKinney,
Rogers,
Shelburne,
Sherrill,
Simpson,
Smith,
Stafford,
Steele,
Woods.

Nays—5.

Bailey,
Bowser,
Greer,
Presler,
Tips.

Absent, excused.
McComb, Whitaker.
In the chair, not voting.
Dean,
Absent, not excused.
Goss.

By Senator Simpson:
Amend by inserting between lines 13 and 14, on page 6, the following: "For rent of armory buildings for volunteer guards, \$10,000; provided, one-half of said rent to be paid by the State, and one-half by said guards."

Lost by the following vote:

Yeas—12.

Atlee,	Greer,
Bailey,	Lawhon,
Beall,	Lewis,
Bowser,	Shelburne,
Dibrell,	Simpson,
Gage,	Tips.

Nays—14.

Boren,	Presler,
Colquitt,	Rogers,
Darwin,	Sherrill,
Dean,	Smith,
Dickson,	Stafford,
Harrison,	Steele,
McKinney,	Woods.

Absent, excused.
McComb, Whitaker.

Absent, not excused.

Agnew, Goss.

By Senator Rogers:

Amend page 6 by adding the following after line 29: "For purchase of portrait of ex-Governor J. S. Hogg, the same to be placed in State library, \$500."

Adopted by the following vote:

Yeas—17.

Agnew,	Greer,
Atlee,	Lewis,
Bailey,	Presler,
Beall,	Rogers,
Bowser,	Shelburne,
Colquitt,	Simpson,
Dean,	Stafford,
Dibrell,	Tips.
Dickson,	

Nays—10.

Boren,	McKinney,
Darwin,	Sherrill,
Gage,	Smith,
Harrison,	Steele,
Lawhon,	Woods.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Goss.

By Senator Tips:

Amend page 16, line 4, by striking out "\$44,000" in each column and insert "\$33,000" in lieu thereof.

Adopted.

By Senator Tips:

Amend line 32, page 6, and line 3, page 7, by inserting in both lines the following: "At \$75 per month."

Adopted.

(Lieutenant Governor Jester in the chair.)

By Senator Sherrill:

Amend page 30 by adding between lines 25 and 26 the following: "To erect a monument over the grave of General Albert Sidney Johnston in the State cemetery at Austin, to be erected under the supervision of a board to be composed of the Governor, the Attorney-General, and the Comptroller, \$5000."

Adopted by the following vote:

Yeas—15.

Agnew,	Lawhon,
Atlee,	Lewis,
Bailey,	Presler,
Beall,	Shelburne,
Boren,	Sherrill,
Bowser,	Simpson,
Dickson,	Woods.
Greer,	

Nays—10.

Colquitt,	Rogers,
Darwin,	Smith,
Gage,	Stafford,
Harrison,	Steele,
McKinney,	Tips.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Dean, Goss.
Dibrell,

By Senator Shelburne:

Amend by inserting, page 30, after the last item under the head of "Miscellaneous Appropriations," the following: "To purchase lot No. 25, consisting of 15.76 acres of land, as shown upon the map of the property known as the San Jacinto battlefield, in Harris county, for a site upon which to erect a monument, \$1000."

Lost by the following vote:

Yeas—12.

Atlee,	Lawhon,
Bailey,	Lewis,
Bowser,	Presler,
Dibrell,	Shelburne,
Goss,	Sherrill,
Greer,	Simpson.

Nays—14.

Agnew,	McKinney,
Boren,	Rogers,
Colquitt,	Smith,
Darwin,	Stafford,
Dickson,	Steele,
Gage,	Tips,
Harrison,	Woods.

Absent, excused.
 McComb, Whitaker.
 Absent, not excused.
 Beall, Dean.

By Senator Tips:

Amend page 27, line 28, by striking out "\$25,000" in each column and inserting "\$27,500" in the first column and "\$22,500" in the second column in lieu thereof; also add in line 8 after the word "expenses" the following: "Provided, that \$2500 of the appropriation for the year ending February 29, 1896, may be used to defray the expenses of the management of the University lands."

Adopted.

By Senator Smith:

Amend by adding between the lines 7 and 8, page 15, "the sum of \$2.50 to pay for fixing the pump to the public well upon the Capitol grounds, so that the public and employes of the State may use the water out of said well."

By Senator Dibrell:

Amend amendment: Add, "And to purchase a cup from which to drink at said well."

Senator Smith accepted the amendment.

By Senator Goss:

Amend amendment by adding "and a chain to fasten the cup."

Senator Dibrell accepted the amendment.

The amendment as amended was lost by the following vote:

Yeas—8.

Atlee,	Gage,
Boren,	Goss,
Dibrell,	Presler,
Dickson,	Smith.

Nays—16.

Agnew,	McKinney,
Bailey,	Shelburne,
Colquitt,	Sherrill,
Darwin,	Simpson,
Dean,	Stafford,
Greer,	Steele,
Harrison,	Tips,
Lawhon,	Woods.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Beall,	Lewis,
Bowser,	Rogers.

By Senator Tips:

Amend by striking out line 14 on page 25.

Adopted.

Senator Colquitt moved the previous question on the bill, which was duly seconded and prevailed.

The bill was then ordered engrossed.

33—Senate

Senator Bowser moved to suspend regular order of business to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

Senator Tips made the point of order that under the resolution previously adopted, appropriation and deficiency bills were to be considered during the evening session.

Sustained.

Senator Tips called up

House bill No. 412, a bill entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State,"

Action being upon Senator Atlee's motion to reconsider the vote by which the bill finally passed.

Pending action.

Senator Simpson moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

Yeas—13.

Dickson,	Greer,
Atlee,	Harrison,
Bailey,	Lewis.
Bowser,	Shelburne,
Darwin,	Simpson,
Dean,	Tips.
Dibrell,	

Nays—14.

Mr. President,	Presler,
Agnew,	Rogers,
Colquitt,	Sherrill,
Gage,	Smith,
Goss,	Stafford,
Lawhon,	Steele,
McKinney,	Woods.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Beall, Boren.

Action recurring to the motion to reconsider.

The Senate refused to reconsider by the following vote:

Yeas—11.

Atlee,	Lewis.
Bailey,	Rogers,
Bowser,	Shelburne.
Dibrell,	Simpson,
Greer,	Tips.
Lawhon,	

Nays—13.

Agnew,	McKinney,
Boren,	Sherrill,
Colquitt,	Smith,
Darwin,	Stafford,
Dean,	Steele,
Dickson,	Woods.
Harrison,	

Gage. Present, excused.
 Absent, excused.
 McComb, Whitaker.
 Absent, not excused.
 Beall, Presler.
 Goss,

When Senator Gage's name was reached, he stated that he had a personal interest in the bill, and asked that he be excused from voting.

Excused.

Senator Lewis called up

Senate bill No. 80, a bill entitled "An act to confirm and validate certain surveys of land made by virtue of certificates issued to persons permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States."

And moved that it be made special order for tomorrow at 11 o'clock.

Pending action,

On motion of Senator Smith, Senate adjourned till tomorrow morning at 10 o'clock by the following vote:

Yeas—14.

Agnew,	Lawhon,
Boren,	McKinney,
Colquitt,	Sherrill,
Dibrell,	Smith,
Dickson,	Stafford,
Gage,	Steele,
Goss,	Woods.

Nays—12.

Atlee,	Harrison.
Bailey,	Lewis,
Bowser,	Rogers,
Darwin,	Shelburne,
Dean,	Simpson,
Greer,	Tips.

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Beall, Presler.

EIGHTIETH DAY.

Senate Chamber,
 Austin, Texas, April 17, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew,	Darwin,
Atlee,	Dean,
Bailey,	Dibrell,
Beall,	Dickson,
Boren,	Gage,
Bowser,	Goss.
Colquitt,	Greer,

Harrison,	Sherrill,
Lawhon,	Simpson,
Lewis,	Smith,
McKinney,	Stafford,
Presler,	Steele,
Rogers,	Tips,
Shelburne,	Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Stafford, the same was suspended.

PETITIONS AND MEMORIALS.

By Senator Lawhon:

Petition of citizens of Wilson county, asking for tax of 20 cents on the \$100 for public free school purposes.

Read first time and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Rules to whom was referred the proposed amendment to rule 62, to-wit:

"Resolved, That rule 62 of the Senate be so amended so that hereafter it shall read as follows:

"Rule 62. On call of three members for the yeas and nays on any question, they shall be taken, and each member, upon his name being called, unless excused by the Senate, shall without debate answer 'yea' or 'nay,' and in case any Senator is present and declines to vote when his name is called, it shall then be the duty of the secretary to note the name or names of all Senators who are present and thus decline to vote, and announce to the President the number voting and the names of those present and not voting, and if those voting and those who are present and not voting constitute a quorum, it shall thereupon be the duty of the President to declare the result of the vote as shown by a majority of those present and voting, and the Journal shall show the names of those voting and of those present and declining to vote."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be adopted.

AGNEW, Acting Chairman.

Under the rules, the motion went over for one day.